



The Commonwealth of Massachusetts
Department of Public Safety
Architectural Access Board

One Ashburton Place, Room 1310
Boston Massachusetts 02108-1618

Phone: 617-727-0660

Fax: 617-727-0665

www.mass.gov/dps

Docket Number

(Office Use Only)

APPLICATION FOR VARIANCE
Curb cuts/sidewalks

In accordance with M.G.L., Chapter 22, Section 13A, I hereby apply for modification of or substitution for the rules and regulations of the Architectural Access Board as they apply to the location(s) described below on the grounds that literal compliance with the Board's regulations is impracticable in my case.

PLEASE ENCLOSE:

- 1) A filing fee of \$50.00 (Check/Money Order) made payable to the "Commonwealth of Massachusetts" and all supporting documentation (e.g. plans in 11" x 17" format, photographs, etc.). In addition, the complete package (including plans, photographs and the completed "Service Notice") must be submitted to all parties via compact disc.
- 2) The completed "Service Notice" form provided at the end of this application certifying that a copy of your *complete application* has been received by the Local Building Inspector, Local Disability Commission (if applicable), and Local Independent Living Center for the city/town that the property in question resides in. A list of the local entities can be found by calling the Architectural Access Board Office or the Local City/Town Clerk. For a list of the Local Independent Living Centers you can either call the Architectural Access Board Office or visit the Massachusetts Statewide Independent Living Council website at <http://www.masilc.org/membership/cils>.

1. State the name and address of the owner of the project:

Landlord: Marvin Gould - Nagon Knoll LLC
260 Great Rd, Acton MA 01720

E-mail: gouldsacton@aol.com

Telephone: 978-263-0374

2. State the exact location of the area in question (e.g. Northwest corner of Main St. and Broadway) (use additional sheets if necessary):

411 Massachusetts Avenue, Acton MA - Existing Starbucks

Southeast side of the Building

3. Describe the project (e.g. complete reconstruction of Rt. 20 from Main St. to Broadway):
Renovate an existing Starbucks - add a door to the patio
4. Check the work performed or to be performed:
☐ New Construction ☒ Reconstruction/Alteration ☐ Repair
5. Briefly describe the extent and nature of the work performed or to be performed (use additional sheets if necessary):
renovate an existing Starbucks Coffee. Work includes installing a egress door at the patio and removing a railing at the
6. State each section of the Architectural Access Board's Regulations for which a variance is being requested:
6a. Check appropriate regulations:
☐ 1996 Regulations ☐ 2002 Regulations ☒ 2006 Regulations

SECTION NUMBER

25.1 Entrances

LOCATION OR DESCRIPTION

- requires that all public entrances of a building or tenancy in a building shall be accessible and the approach to these entrances shall be a paved walk or ramp with a slip resistant surface, uninterrupted by steps.

7. For each variance requested, state in detail the reasons why compliance with the Board's regulations is impracticable (use additional sheets if necessary), including but not limited to: the necessary cost of the work required to achieve compliance with the regulations (i.e. written cost estimates); and plans justifying the cost of compliance.

The proposed is to add an entrance at the patio and remove the railing blocking the patio steps for traffic flow and customer convenience. The main entrance that is ADA compliant and current patio ADA compliant entrance will remain. Major site work would not be required to achieve accessibility to the proposed new entrance and cost hundreds of thousands.

8. Has the project been out bid? Yes
Has the contract been awarded? not yet
8a. If the contract has been awarded, what date was it awarded?
Pending
8b. Has the project been completed?
NO
8c. If work has been completed, state the date work began:
NA
Completion date: _____

9. State the estimated cost of the total project: 75K - that includes the entire remodel
10. Has any other work been performed at this location within the past 36 months? NO
11. Is this project funded by the Massachusetts Department of Transportation? NO

**ARCHITECTURAL ACCESS BOARD VARIANCE APPLICATION
SERVICE NOTICE**

I, Daniel Brennan, as Design Consultant
for the Petitioner Starbucks Coffee Corporation submit a
variance application filed with the Massachusetts Architectural Access Board on April 25th
20 13.

HEREBY CERTIFY UNDER THE PAINS AND PENALTIES OF PERJURY THAT I SERVED OR
CAUSED TO BE SERVED, A COPY OF THIS VARIANCE APPLICATION ON THE FOLLOWING
PERSON(S) IN THE FOLLOWING MANNER:

<u>NAME AND ADDRESS OF PERSON OR AGENCY SERVED</u>		<u>METHOD OF SERVICE</u>	<u>DATE OF SERVICE</u>
1	Acton Building Dept 472 Main St, Acton MA	by hand in person	April 25 th 2013
2	Boston Center for Independent Living 60 Temple Pl, 5 th Fl, Boston MA 02111	by hand in person	April 25 th 2013
3			

AND CERTIFY UNDER THE PAINS AND PENALTIES OF PERJURY THAT THE ABOVE
STATEMENTS TO THE BEST OF MY KNOWLEDGE ARE TRUE AND ACCURATE.

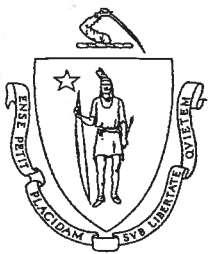
Signature: Appellant or Petitioner

On the _____ Day of _____ 20 _____
PERSONALLY APPEARED BEFORE ME THE ABOVE NAMED

(Type or Print the Name of the Appellant)

NOTARY PUBLIC

MY COMMISSION EXPIRES



Deval L. Patrick
Governor

Andrea J. Cabral
Secretary

The Commonwealth of Massachusetts
Department of Public Safety

Architectural Access Board
One Ashburton Place, Room 1310

Boston, Massachusetts 02108-1618

Phone 617-727-0660

Fax 617-727-0665

www.mass.gov/dps

Thomas G. Gatzunis, P.E.
Commissioner

Thomas P. Hopkins
Director

TO: Local Building Inspector
Local Disability Commission
Independent Living Center

Docket Number **V 13 112**

FROM: ARCHITECTURAL ACCESS BOARD

RE: **Starbucks**
411 Massachusetts Ave
Acton

Date: **6/6/2013**

Enclosed please find the following material regarding the above location:

___ Application for Variance

☒ Decision of the Board

___ Notice of Hearing

___ Correspondence

___ Letter of Meeting

The purpose of this memo is to advise you of action taken or to be taken by this Board. If you have any information which may assist the Board in reaching a decision in this case, you may call this office or you may submit comments in writing.



Deval L. Patrick
Governor

Andrea J. Cabral
Secretary

The Commonwealth of Massachusetts
Department of Public Safety

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Thomas P. Hopkins
Director

Docket Number **V 13 112**

NOTICE OF ACTION

RE: Starbucks ' 411 Massachusetts Ave

Acton

1. A request for a variance was filed with the Board by Daniel Brennan (Applicant) on April 25, 2013.
The applicant has requested variances from the following sections of the 06 Rules and Regulations of the Board:

<u>Section:</u>	<u>Description:</u>
25.1	Petitioner seeks relief from having to make a proposed new entry from the coffee shop to the patio accessible for persons with disabilities

On May 24, 2013 Daniel Brennan Jr. of dpb Consulting Services submitted a letter and plan. The plan, sheet # G-002, issue date of 3/11/2013 showed that the door in question will meet the requirements of 521 CMR.

2. The application was heard by the Board as an incoming case on Monday, June 3, 2013

3. After reviewing all materials submitted to the Board, the Board voted as follows:

The Board voted that no variance is needed at this time, and that the removal of the barrier (gate) at the top of the stairs so the stairs may be used as a path of travel is allowed.

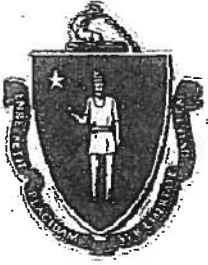
PLEASE NOTE: All documentation (written and visual) verifying that the conditions of the variance have been met must be submitted to the AAB Office as soon as the required work is completed.

Any person aggrieved by the above decision may request an adjudicatory hearing before the Board within 30 days of receipt of this decision by filing the attached request for an adjudicatory hearing. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a final decision and the appeal process is through Superior Court.

Date: June 6, 2013

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Walter White T.H.
Chairperson
ARCHITECTURAL ACCESS BOARD



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Department of Public Safety
Architectural Access Board

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REQUEST FOR ADJUDICATORY HEARING

RE: _____
Name and address of building as appearing on application for variance

I, _____, do hereby request that the Architectural Access Board
conduct an informal Adjudicatory Hearing in accordance with the provisions of 801 CMR Rule 1.02 et.
seq. as I am aggrieved by the decision of the Board with respect to Section(s) _____
of the Rules and Regulations of the Architectural Access Board, 521 CMR.

I understand that I may request such a hearing within **thirty (30) days** of receipt of the Notice of Action.

Date: _____

Signature _____

PLEASE PRINT:

Name _____

Address _____

City/Town _____

State _____

Zip Code _____

E-mail _____

Telephone _____

PLEASE NOTE:

This form must be received by the Board within thirty (30) days after receipt of the Notice of Action.

dpb **CONSULTING SERVICES**
50 Holt Road, Andover, MA (508) 380-8460

May 24, 2013

Department of Public Safety
Architectural Access Board
Attn: Thomas Hopkins
1 Ashburton Place- Room 1310
Boston MA 02108
617-727-0660

Re: Starbucks Coffee, 411 Massachusetts Ave Acton Ma

Dear MAAB Members,

Starbucks Coffee submitted a review package for a variance at the above referenced location for Starbucks Coffee on April 25. We met with the Acton Local Access Board at the site and attended a meeting to present the proposed entrance door and removal of patio railing that is blocking the patio steps. We determined that we would need a slope at the new patio door to meet the finish floor. We added that to the plan attached.

They approved of the change and gave support in our variance request. However, Mr. Hopkins and the Acton Local Access Board feel that because the store will be completely accessible with the exception of the steps at the patio, that a variance is not required. I would like to request a letter of determination from the MAAB stating that either the proposed doesn't require a variance or that the variance request is approved.

If you have any questions/ concerns or require any additional information please do not hesitate to call. Cell 603-505-5633

Sincerely

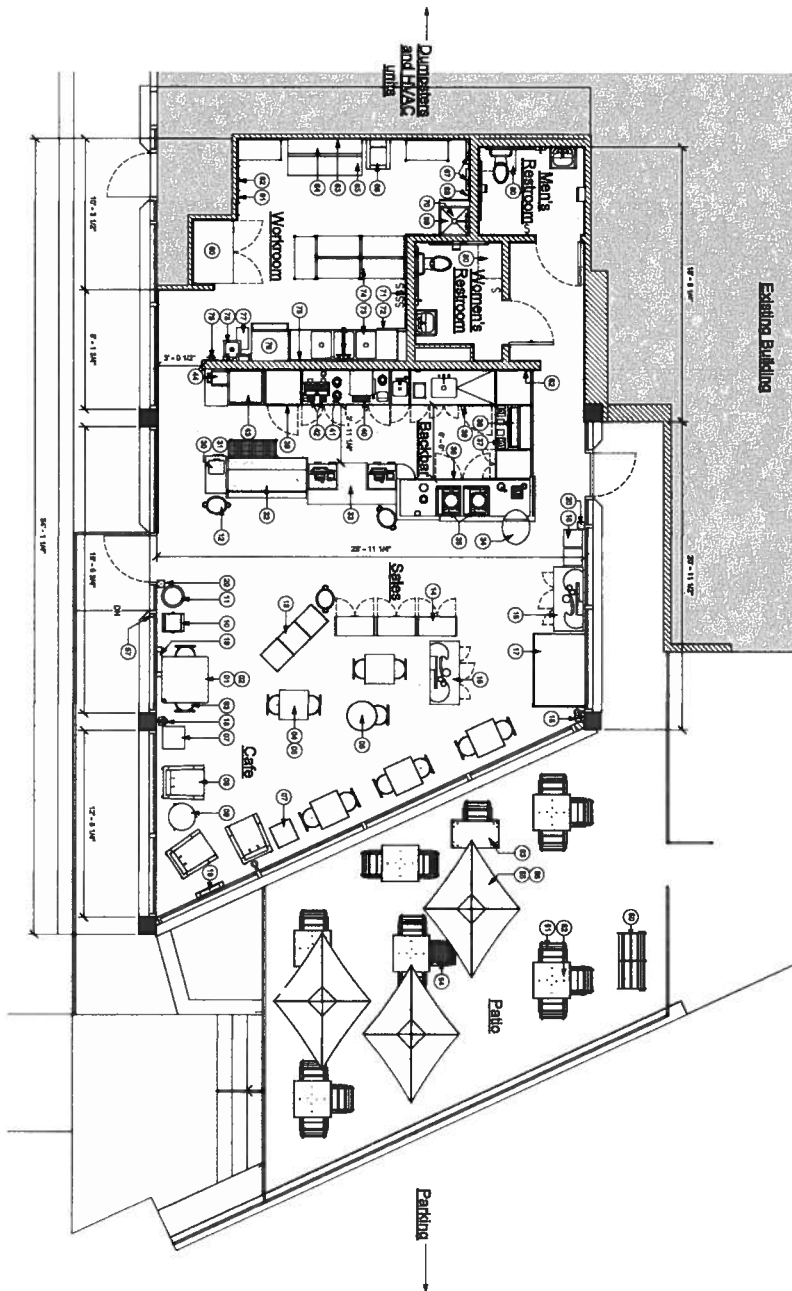
Daniel Brennan Jr
dpb Design Consultants
50 Holt Road, Andover MA 01810
603-505-5633
danbrennan07@comcast.net











Keynotes - Existing FF & E Plan

CAFE

1. 32" Square ADA Table
2. 32" Round Table
3. Chair Chair (12)
4. 36" Square Table Top (6)
5. Table Base (6)
6. 36" Round Table Top
7. Square 4x8x8 Table (7)
8. Lounge Chair (3)
9. Round Table
10. Round Table
11. Round Chair
12. Roundtable Stool (3)
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801515

60. Model Bench
61. Model Case Chart (14)
62. 30° Square Model Case Table (7)
63. Rectangular Model ADA Table
64. Brexton Case Chart (1)
65. 4x4 Universal Therapy (2)
66. Universal Base (2)
67. Super Side Lark

WORKSHEET

62. 3-Color Rings
63. Cast Rock
64. Theoretical (2)
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EXISTING CONDITIONS

[illegible]

Project Name:
Acton, Kelly's Corner
Project Address:
411 Massachusetts Ave.
Acton, MA 01720

Store #:	07635
Project #:	13423 - 027
Concept:	
Predict:	
Issue Date:	06/07/2012
Design Manager:	E. Ziemann
LEED® AP:	
Production Designer:	NOOR
Checked by:	NOOR

Existing FF & E Plan

Scale: 1/4" = 1'-0"

Revised Number: EC-1.0



Starbucks Coffee Company
2401 Utah Avenue South
Seattle, Washington 98134
(206) 318-1676

[illegible]

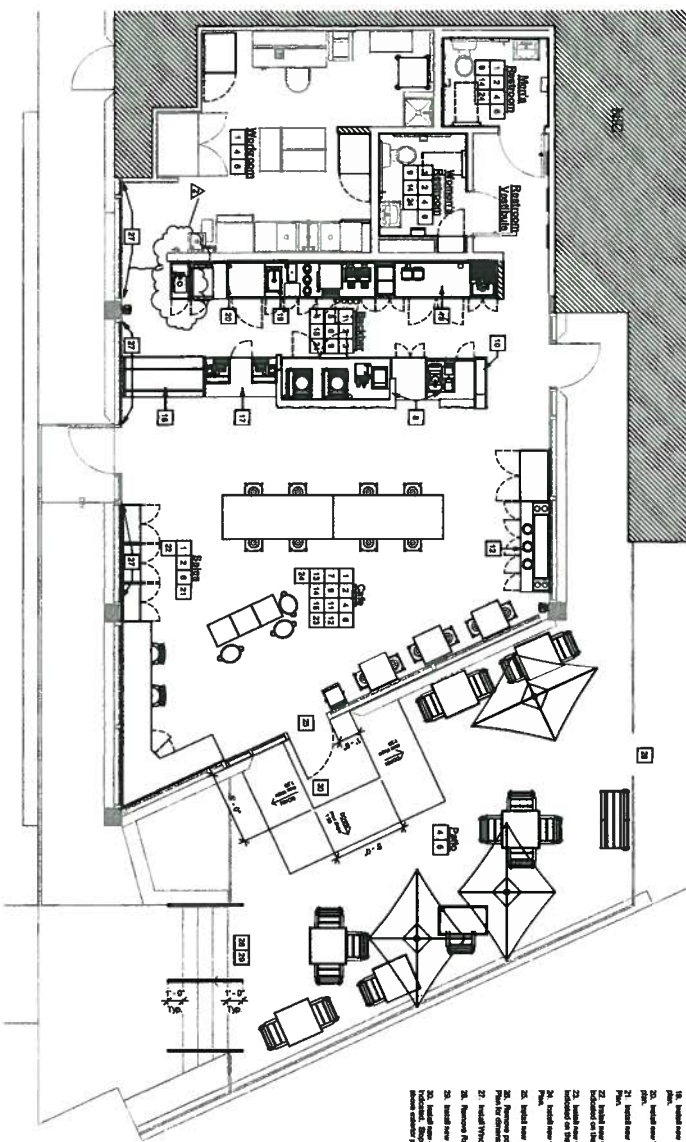
Architect of Record
NORR
Associates
Planners
200 N. Lincoln St., Suite 200, Chicago, IL 60601
1-815-464-0001 / FAX: 1-815-464-0000 / www.norr.com

EC-1.0

ABBREVIATIONS:


AC	Architect	CM	Construction Manager
AD	Architectural Designer	CO	Construction Office
AE	Architectural Engineer	CP	Construction Permit
AF	Architectural Firm	CS	Construction Schedule
AG	Architectural Group	CT	Construction Team
AH	Architectural Handbook	CU	Construction Unit
AI	Architectural Illustration	CV	Construction Vehicle
AJ	Architectural Job	CW	Construction Work
AK	Architectural Kit	CX	Construction Experience
AL	Architectural List	CY	Construction Year
AM	Architectural Map	CZ	Construction Zone
AN	Architectural Note	DA	Design Architect
AO	Architectural Office	DB	Design Building
AP	Architectural Plan	DC	Design Construction
AQ	Architectural Project	DD	Design Development
AR	Architectural Record	DE	Design Engineering
AS	Architectural Section	DF	Design Fabrication
AT	Architectural Table	DG	Design Graphics
AV	Architectural View	DH	Design Hardware
AW	Architectural Wall	DI	Design Interior
AX	Architectural Window	DJ	Design Joinery
AY	Architectural Wood	DK	Design Kitchen
AZ	Architectural Yard	DL	Design Landscape
BA	Building Architect	DM	Design Materials
BB	Building Building	DN	Design Noise
BC	Building Construction	DO	Design Orientation
BD	Building Design	DP	Design Planning
BE	Building Engineering	DQ	Design Quality
BF	Building Fabrication	DR	Design Research
BG	Building Graphics	DS	Design Safety
BH	Building Hardware	DT	Design Structure
BI	Building Interior	DU	Design Utility
BJ	Building Joinery	DV	Design Visual
BK	Building Kitchen	DW	Design Work
BL	Building Landscape	DX	Design Wood
BM	Building Materials	DY	Design Year
BN	Building Noise	EA	Engineering Architect
BO	Building Orientation	EB	Engineering Building
BP	Building Planning	EC	Engineering Construction
BQ	Building Quality	ED	Engineering Design
BR	Building Research	EE	Engineering Engineering
BS	Building Safety	EF	Engineering Fabrication
BT	Building Structure	EG	Engineering Graphics
BU	Building Utility	EH	Engineering Hardware
BV	Building Visual	EI	Engineering Interior
BW	Building Work	EJ	Engineering Joinery
BX	Building Wood	EK	Engineering Kitchen
BY	Building Year	EL	Engineering Landscape
BZ	Building Yard	EM	Engineering Materials

1 Scope of Work Plan



Scope of Work Summary

1. Provide a detailed construction plan for the building, including all structural, mechanical, electrical, and plumbing details.
2. Provide a detailed construction plan for the building, including all structural, mechanical, electrical, and plumbing details.
3. Provide a detailed construction plan for the building, including all structural, mechanical, electrical, and plumbing details.
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STARBUCKS COFFEE
COMPANY
2401 E. WASHINGTON AVE
SEATTLE, WASHINGTON 98134
(206) 318-1575

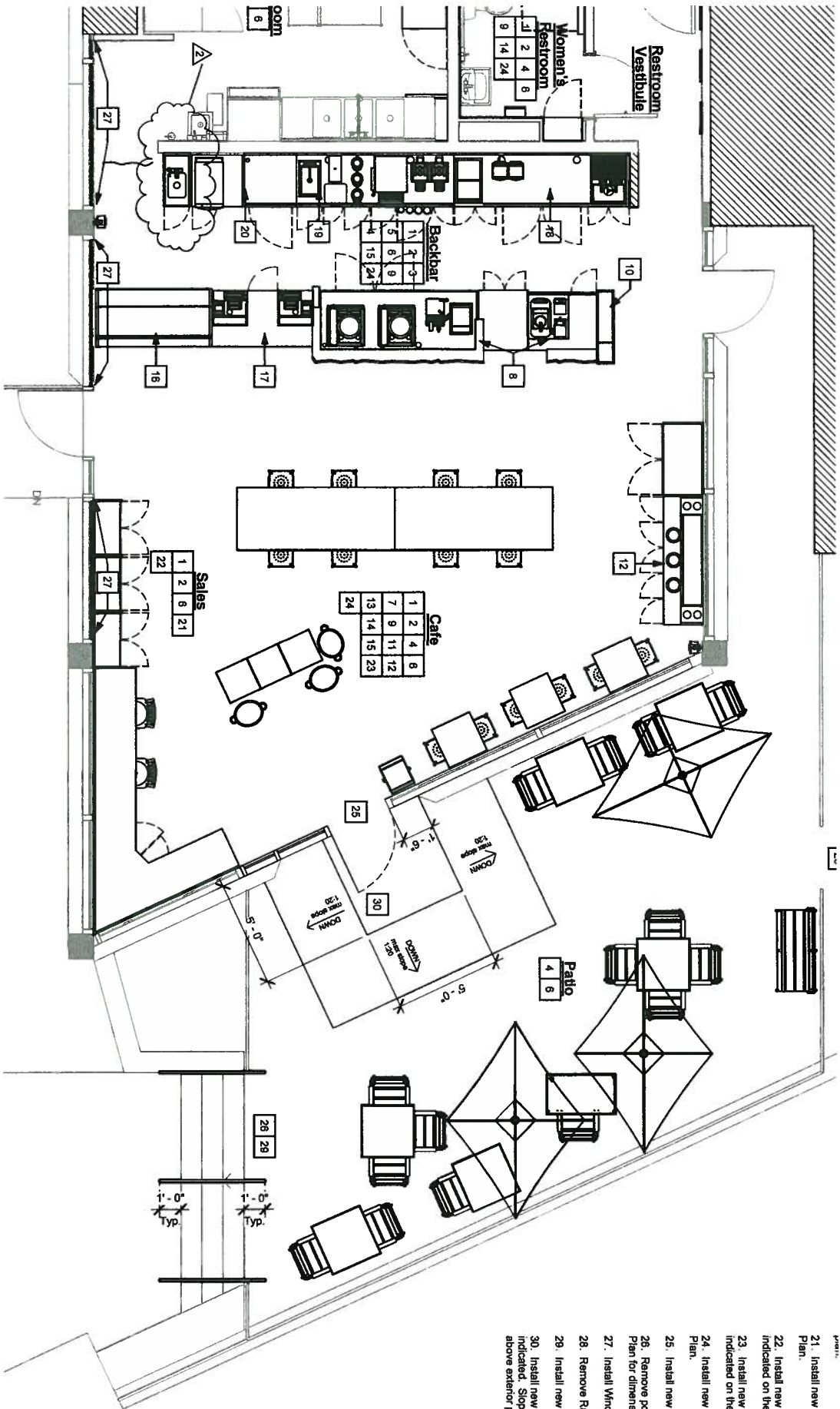
ARCHITECT OF RECORD
NORR
1100 1st Avenue, Suite 100
Seattle, WA 98101
(206) 461-1100

ENGINEER OF RECORD
NORR
1100 1st Avenue, Suite 100
Seattle, WA 98101
(206) 461-1100

PROJECT NAME:
Acton, Kelly's Corner
PROJECT ADDRESS:
411 Massachusetts Avenue
Acton, MA 01720
County: Middlesex

STORE #
07855
PROJECT #
13423-027
CONCEPT
NORR
DESIGN DATE
03/11/2013
DESIGN MANAGER
E. Zakariass
LAYOUT BY
N.A.
PRODUCTION DESIGNER
NORR
CHECKED BY
E. Zakariass

SHEET TITLE
Scope of Work Plan
SHEET NUMBER
G-002



21. Install new Merchandise Bays as indicated on the Plan.
22. Install new wood clad soffit over Merch indicated on the Retailed Ceiling Plan.
23. Install new wood clad soffit over Corridor indicated on the Retailed Ceiling Plan.
24. Install new wall finishes as indicated on the Plan.
25. Install new Entry Door as indicated.
26. Remove portion of railing near stairs. Refer to dimensions.
27. Install Window film as indicated on the Plan.
28. Remove Railing Gate as indicated. See Plan for dimensions.
29. Install new Railing on patio steps as indicated.
30. Install new concrete ramp at exterior door indicated. Slope to be 1:20. Interior floor above exterior patio. Threshold to be flush.



CONSULTING SERVICES

50 Holt Road, Andover, MA

(508) 380-8460

April 25, 2013

Town of Acton
Commission on Disability
Attn: Elizabeth Franklin
472 Main Street
Acton, MA 01720
Phone: (978) 264-9615

Re: Starbucks Coffee, 411 Massachusetts Ave Acton Ma

Dear Elizabeth,

The Starbucks Coffee Shop at the above referenced address is planning a renovation at the existing store. With this renovation, we propose adding an entrance at the patio and removing the patio railing that is blocking the steps to which we have been informed would require a variance.

The main entrance that is ADA compliant is existing to remain. Also both the existing and new egresses to the patio will be ADA compliant with access to the patio. The main issue in need of the variance is the removal of the railing blocking the steps to the patio.

If you have any questions/ concerns or require any additional information please do not hesitate to call. Cell 603-505-5633

Sincerely

A handwritten signature in black ink, appearing to read 'Daniel Brennan Jr.', written over a horizontal line.

Daniel Brennan Jr.
dpb Design Consultants
50 Holt Road, Andover MA 01810
603-505-5633
danbrennan07@comcast.net



The Commonwealth of Massachusetts
Department of Public Safety
Architectural Access Board

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Telephone: 978-263-0374

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LOCATION OR DESCRIPTION

- requires that all public entrances of a building or tenancy in a building shall be accessible and the approach to these entrances shall be a paved walk or ramp with a slip resistant surface, uninterrupted by steps.

7. For each variance requested, state in detail the reasons why compliance with the Board's regulations is impracticable (use additional sheets if necessary), including but not limited to: the necessary cost of the work required to achieve compliance with the regulations (i.e. written cost estimates); and plans justifying the cost of compliance.

The proposed is to add an entrance at the patio and remove the railing blocking the patio steps for traffic flow and customer convenience. The main entrance that is ADA compliant and current patio ADA compliant entrance will remain. Major site work would not be required to achieve accessibility to the proposed new entrance and cost hundreds of thousands

8. Has the project been out bid? Yes

Has the contract been awarded? not yet

8a. If the contract has been awarded, what date was it awarded?

Pending

8b. Has the project been completed?

NO

8c. If work has been completed, state the date work began:

NA

Completion date: _____

9. State the estimated cost of the total project: 75K - that includes the entire remodel

10. Has any other work been performed at this location within the past 36 months? NO

11. Is this project funded by the Massachusetts Department of Transportation? NO

12. Has the project been accepted by the City or Town? NO
If yes, state the date that the project was accepted: _____
13. To the best of your knowledge, has a complaint ever been filed on this project relative to accessibility? _____ yes ☒ no

14. State the name and address of the architectural or engineering firm including the name of the individual architect or engineer responsible for preparing drawings of the project:

NORR Architects - Peter Dubin
325 N. LaSalle St - Suite 200 - Chicago IL 60654
E-mail: Emily.Fleming@norr.com
Telephone: 312-873-1022

15. State the name and address of the local or state building official responsible for overseeing this project:

Building Inspector - Mark Barbadoro Building Commissioner - Frank Ramsbottom
Town of Acton Building Dept - 422 Main St Acton MA 01720
E-mail: building@acton-ma.gov
Telephone: 978-929-6633

Date: _____



Signature of owner or authorized agent

PLEASE PRINT:

Daniel Brennan

Name

50 Holt Rd

Address

Andover MA 01810

City/Town State Zip Code

danbrennan07@comcast.net

E-mail

603-505-5633

Telephone